

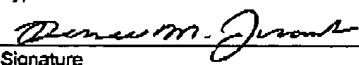
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JUL 12 2005

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 Lake Forest, California 92630

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| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------|
| DATE: July 12, 2005 | | |
| TO: COMMISSIONER FOR PATENTS, U.S. PATENT & TRADEMARK OFFICE | | |
| FAX NO: (703) 872-9306 (GENERAL/MAIN FAX LINE) | | |
| NO. OF PAGES: Cover + 16 | | |
| CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. Renee M. Franks Typed/Printed Name  Signature July 12, 2005 Date | APPLICATION NO. | 09/747,002 |
| | FILING DATE | 12/22/2000 |
| | FIRST NAMED INVENTOR | William B. Boyle |
| | ART UNIT | 2616 |
| | CONFIRMATION NO. | 2942 |
| | EXAMINER | Jamie J. Vent |
| | ATTORNEY DOCKET NO. | K35A0687 |
| TITLE | METHOD AND APPARATUS FOR STORING A STREAM OF VIDEO DATA ON A STORAGE MEDIUM | |

ATTACHED WITH THIS SUBMISSION:

1. Transmittal Form (1 page)
2. Petition to Withdraw Holding of Abandonment Based on Evidence that a Reply was Timely Mailed or Filed (3 pages)
3. Copy of Amendment and Response filed January 7, 2005, including copy of postcard showing official OIPE date stamp of January 10, 2005 (12 pages)

PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION. IF THERE IS ANY PROBLEM WITH THIS TRANSMISSION, PLEASE CALL RENEE M. FRANKS AT (949) 672-7871.

CONFIDENTIALITY NOTE

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION MAY BE LEGALLY PRIVILEGED AND IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IT IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW, INCLUDING COURT ORDERS, IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS FACSIMILE TRANSMISSION TO THE INTENDED RECIPIENT. YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPY OF THIS FACSIMILE TRANSMISSION OR ITS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEFAX OR TELEPHONE USING THE ABOVE NUMBERS AND AIRMAIL THIS FACSIMILE TRANSMISSION BACK TO US IMMEDIATELY. THANK YOU.

Y:\K35A\AD600-A0699\A0687\PTOA\A0687_Faxcover USPTO_01.doc

PTO/SB/21 (09-04)


Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

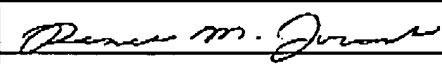
| | | |
|------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------|
| TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> | Application Number | 09/747,002 |
| | Filing Date | 12/22/2000 |
| | First Named Inventor | William B. Boyle |
| | Art Unit | 2616 |
| | Examiner Name | Jamie J. Vent |
| Total Number of Pages in This Submission | | Attorney Docket Number K35A0687 |

| ENCLOSURES (Check all that apply) | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Please see "Remarks" section below: |
| Remarks Copy of Amendment and Response filed 1/7/2005, including copy of postcard showing official OIPE date stamp of January 10, 2005 (12 pages). | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-------------------------------------------------------------------------------------|----------|--------|
| Firm Name | Western Digital | | |
| Signature |  | | |
| Printed name | Milad G. Shara, Esq. | | |
| Date | July 12, 2005 | Reg. No. | 39,367 |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------|---------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature |  | | |
| Typed or printed name | Renee M. Franks | Date | July 12, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 12 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: William B. Boyle

Serial No.: 09/747,002

Filing Date: 12/22/2000

For: METHOD AND APPARATUS FOR
STORING A STREAM OF VIDEO DATA ON
A STORAGE MEDIUM

Art Unit: 2616

Examiner: Jamie J. Vent

Confirmation No.: 2942

Docket No.: K35A0687

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE
THAT A REPLY WAS TIMELY MAILED OR FILED UNDER 37 CFR 1.181 AND MPEP
711.03(c)(I)**

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

In response to the Notice of Abandonment mailed on 4/20/2005 for the above-identified patent application, please consider the following remarks.

Art Unit 2616
Serial No. 09/747,002

PATENT
Attorney Docket No.: K35A0687

While no fees are believed to be due since the abandonment was the result of Patent Office error, the Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: July 12, 2005

By: 

Milad G. Shara, Esq.
Reg. No. 39,367

WESTERN DIGITAL TECHNOLOGIES, INC.
20511 Lake Forest Drive
Lake Forest, CA 92630
Tel.: (949) 672-7000
Fax: (949) 672-6604

Docket No.: K35A0687 (WESDIG.046A)

Customer No.: 26,332

AMENDMENT / RESPONSE TRANSMITTAL

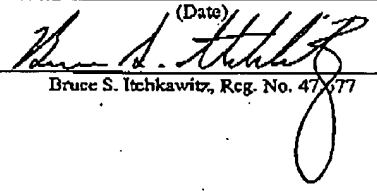
Applicant : William B. Boyle
 App. No. : 09/747,002
 Filed : December 22, 2000
 For : METHOD AND APPARATUS
 FOR STORING A STREAM
 OF VIDEO DATA ON A
 STORAGE MEDIUM
 Examiner : Jamie J. Vent
 Art Unit : 2616

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 7, 2005

(Date)


 Bruce S. Itzhakowitz, Reg. No. 47,677

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COPY

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Amendment and Response to July 14, 2004 Office Action in nine (9) pages; and
- (X) Two (2) return prepaid postcards.

The fee has been calculated as shown below:

| FEE CALCULATION | | | | |
|--------------------|-------------|----------------|----------------------|----------------|
| FEE TYPE | | FEE CODE | CALCULATION | TOTAL |
| Total Claims | 13 - 20 = 0 | 1202 (\$50) | 0 x 50 = | 0 |
| Independent Claims | 2 - 3 = 0 | 1201 (\$200) | 0 x 200 = | 0 |
| Multiple Claim | | 1203 (\$360) | | 0 |
| 1 Month Extension | | 1251 (\$120) | | 0 |
| 2 Month Extension | | 1252 (\$450) | | 0 |
| 3 Month Extension | | 1253 (\$1,020) | | \$1,020 |
| | | | TOTAL FEE DUE | \$1,020 |

- (X) An extension of time is hereby requested by payment of the appropriate fee indicated above.
- (X) A check in the amount of \$1,020.00 is enclosed.

Docket No.: K35A0687 (WESDIG.046A)

Customer No.: 26,332

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



Bruce S. Itchkawitz
Registration No. 47,677
Attorney of Record
Customer No. 20,995
(949) 760-0404

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010705

Art Unit 2616
Serial No. 09/747,002

PATENT
Attorney Docket No.: K35A0687

REMARKS

Applicant respectfully submits that this application was allowed to go abandoned due to U.S. Patent Office error and through no fault of the Applicant, and petitions the Director to withdraw the holding of abandonment. The facts are set forth as follows.

On January 7, 2005, Applicant filed a response to the outstanding Office Action dated July 14, 2004 (copy enclosed). In addition, Applicant concurrently filed a document entitled "Amendment / Response Transmittal" (copy enclosed) that included a request for a 3-month extension of time and the authorization to charge Deposit Account No. 11-1410 for the necessary fee, thereby extending the deadline for response to January 14, 2005. These papers were sent as first class mail via the U.S. Postal Service with a return postcard. A copy of the postcard with the official date stamp from the Office of Initial Patent Examination is enclosed herewith, indicating receipt of the documents on January 10, 2005.

Applicant never received the Notice of Abandonment dated 4/20/2005. Indeed, Applicant only recently became aware of the abandonment of the application through outside counsel, who checked the status of the application in private PAIR.

Since Applicant submitted a response to the outstanding Office Action dated July 14, 2004, together with the necessary extension fees before the January 14, 2005 deadline, this application should not have gone abandoned. Therefore, Applicant requests that the holding of abandonment be withdrawn and the response filed January 7, 2005 be entered and considered.